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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,607

Applicant(s)

CAMBRIDGE, RODNEY D

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-10,14-16,19,20,24-26,28,29,31 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10,14-16,19,20,24-26,28,29,31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1,3,5-10,14-16,19-20,24-26,28-29,31, and 33-38 have been considered.

Claim Objections

5 Claim 5 is objected to because of the following informalities: the claim should depend on claim 3, not claim 43. Appropriate correction is required.

Claim Rejections - 35 USC § 102

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15

 Claims 10,14-15,20, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Henrie, U.S. Patent No. 6,804,699.

20

 As per claims 10 and 20, the applicant describes a method for executing a security protocol for a first Bluetooth-enabled device with respect to a second Bluetooth-enabled device comprising the following limitations which are met by Henrie:

 a) periodically emitting a first Bluetooth transmission signal from the first Bluetooth-enabled device (Col 11, lines 28-35);

25

 b) determining if a second Bluetooth transmission signal is received from the second Bluetooth-enabled device (Col 11, lines 42-65);

 c) locking out the first Bluetooth-enabled device to at least partially prevent the first Bluetooth-enabled device from functioning if it is determined that the second Bluetooth transmission signal is not received, wherein the first Bluetooth-enabled device periodically emits the first Bluetooth transmission signal while being locked out (Col 11, lines 42-65);

30

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Henrie's system takes place between a first device, which is a portable computer system such as a PDA or cell phone, and a second device, which is a server having a web site which the first device communicates with. Both the devices are Bluetooth enabled (Col 5, lines 11-18).

Regarding claim 20, both the first and second devices are computing systems, such as PDAs and
5 servers, which operate through processors and computer code.

As per claims 14 and 24, the applicant describes the method of claims 10 and 20, which are met by Henrie (see above), with the following limitation which is also met by Henrie:

Displaying information on a screen of the first Bluetooth-enabled device which indicates that the
10 first Bluetooth-enabled device is locked out (Col 12, lines 8-12).

As per claim 15, the applicant describes the method of claim 10, which is met by Henrie (see above), with the following limitation which is also met by Henrie:

Operating the first Bluetooth-enabled device if it is determined that the second Bluetooth
15 transmission signal is received (Col 11, lines 45-50).

As per claim 25, the applicant describes the first device according to claim 20, which is met by Henrie (see above), with the following limitation which is also met by Henrie:

Wherein the Bluetooth-enabled mechanism is a Bluetooth-enabled radio (Col 5, lines 11-18).
20 Bluetooth-enabled radio is met by "Bluetooth wireless connections".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

25 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30

Claims 1,3,5-9,16,19,26,28-29,31, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odagiri, U.S. Patent Application Publication No. 2001/0007817, in view of Henrie, U.S. Patent No. 6,804,699.

5

As per claims 1 and 29, the applicant describes a handheld security system comprising the following limitations which are met by Odagiri in view of Henrie:

a) a Bluetooth-enabled control unit having a range of communications (Odagiri: [0009],[0043]);

b) a Bluetooth-enabled device, wherein the device is registered with the control unit such that the device cooperates with the control unit using Bluetooth communications to determine when the device is within range of communications of the control unit, wherein when it is determined that the device is within the range of communications of the control unit, the device is functional, and when it is determined that the device is not within the range of communications of the control unit, the device is at least partially non-functional (Odagiri: [0009], [0043], [0085]);

c) wherein the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit (Henrie: Col 11, lines 28-65);

d) wherein when the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit (Henrie: Col 11, lines 28-65);

Odagiri discloses limitations a) and b). Odagiri also discloses the idea that if a portable device is deemed lost or stolen based on it being outside a predetermined vicinity of the control unit, the portable device can become non-functional [0085]. However, Odagiri fails to disclose the idea of the portable device periodically sending an identifying signal even when it is non-functional (See remarks, this is an arguable point from the first office action).

Henrie discloses a similar security system between a portable computing system, such as a PDA or a mobile phone, and a web site on a server, in which the devices can communicate through Bluetooth communication (Col 5, lines 11-18). Henrie also discloses the idea that the portable device periodically

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sends an identifying signal to the control unit, or web site on the server. Lastly, Henrie discloses that the portable device is programmed to continue sending an identifying signal even after it has been disabled because it has been deemed lost or stolen either by 1) receiving a signal from the control unit (web site on the server) that it is lost or stolen or by 2) not receiving any signal in a predetermined amount of time.

5 In order for an authorized user to unlock the device, he can contact the control unit (web site on the server) (Henrie: Col 12, lines 21-27) and have it designate the device as not lost or stolen so that the next time the device sends the identifying signal it will receive a signal that unlocks it (Henrie: Col 11, lines 42-50).

Implementing the ideas of Henrie into Odagiri would be easy. The portable phone of Odagiri
10 could simply be programmed to periodically submit an identifying signal back even when the phone goes into shut down. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Henrie with those of Odagiri because adding programming into the portable device for a periodic signal even after shut down allows for easier communication between the control unit and the portable phone because no human intervention is involved for pressing a button, etc, and it
15 allows for the phone to easily be used and woke up when the authorized person is in the vicinity of the phone which makes it easier for the authorized person to not have to remember passwords, etc, when he is in the vicinity of his phone.

Regarding claim 29, the applicant discloses a claim identical to claim 1 with the exception that WiFi is used instead of Bluetooth. As noted in paragraph [0043] of Odagiri, Bluetooth is just an example
20 of the type of wireless communication which can be used.

As per claims 16 and 26, the applicant describes a method for executing a security protocol with respect to at least a first Bluetooth-enabled device and a second Bluetooth-enabled device, the method comprising the following limitations which are met by Odagiri in view of Henrie:

25 a) determining when a first Bluetooth transmission signal is received from the second Bluetooth-enabled device, wherein the second Bluetooth-enabled device automatically and periodically emits the first Bluetooth transmission signal (Henrie: Col 11, lines 28-65);

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b) emitting a second Bluetooth transmission signal when it is determined that the first Bluetooth transmission signal is received from the second Bluetooth-enabled device (Odagiri: [0013]);

c) generating an alarm to indicate that the second Bluetooth-enabled device is not with a communications range of the first Bluetooth-enabled device when it is determined that the first Bluetooth transmission signal is not received from the second Bluetooth-enabled device (Odagiri: [0013] and [0063]);

d) wherein after the generation of the alarm, the second Bluetooth-enabled device is configured to continue periodically emitting the first Bluetooth transmission signal to the first Bluetooth-enabled device (Henrie: Col 11, lines 28-65).

10 Motivation for combining Henrie with Odagiri is given in the rejection for claim 1 (see above).

As per claims 3 and 31, the applicant describes the handheld security system of claims 1 and 29, which are met by Odagiri in view of Henrie (see above), with the following limitation which is met by Odagiri:

15 Wherein the device includes a lockout interface, wherein when the device does not receive the return signal in response to the identifying signal, the device is not within range of communications of the control unit and the lockout interface locks out the device and causes the device to be at least partially non-functional (Odagiri: [0069] and [0070]).

20 As per claims 5 and 33, the applicant describes the handheld security system of claims 3 and 31, which are met by Odagiri in view of Henrie (see above), with the following limitation which is met by Henrie:

Wherein when the device receives the return signal, the lockout interface unlocks the device and causes the device to be functional (Henrie: Col 11, lines 42-50; Col 12, lines 21-27).

25 As per claim 6, the applicant describes the handheld security system according to claim 1, which is met by Odagiri in view of Henrie (see above), with the following limitation which is met by Odagiri:

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Wherein the device is exclusively registered with the control unit (Odagiri: [0009]).

As per claim 7, the applicant describes the handheld security system according to claim 1, which is met by Odagiri in view of Henrie (see above), with the following limitation which is met by Odagiri:

5 Wherein the control unit is configured to produce an alert when it is determined that the device is not within the range of communications of the control unit (Odagiri: [0013 (last four lines)]).

As per claims 8,9, and 28, the applicant describes the handheld security system according to claims 7,1, and 26, which are met by Odagiri in view of Henrie (see above), with the following limitation

10 which is met by Odagiri:

Wherein the control unit includes a display, the display being configured to display information associated with the device when it is determined that the device is not within the range of communications of the control unit (Odagiri: [0063]).

15 As per claim 19, the applicant describes the method of claim 16, which is met by Odagiri in view of Henrie (see above), with the following limitation which is met by Odagiri:

Determining when the second Bluetooth-enabled device is registered with the first Bluetooth-enabled device, wherein emitting the second Bluetooth transmission signal when it is determined that the first Bluetooth transmission signal is received from the second Bluetooth-enabled device includes emitting
20 the second Bluetooth transmission signal when it is determined that the second Bluetooth-enabled device is registered with the first Bluetooth-enabled device (Odagiri: [0009]).

As per claim 34, the applicant describes the handheld security system according to claim 1, which is anticipated by Odagiri in view of Henrie (see above), with the following limitation which is met by

25 Henrie:

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Wherein the device includes a display, the display being configured to display a message that warns that the device is at least one of lost and stolen, when the device is at least partially non-functional (Henrie: Col 12, lines 8-12).

5 As per claim 35, the applicant describes the handheld security system according to claim 1, which is anticipated by Odagiri in view of Henrie (see above), with the following limitation which is met by Henrie:

Wherein the device includes a display, the display being configured to display contact information that is capable of being used by someone who locates the device to identify an owner of the device, when
10 the device is at least partially non-functional (Henrie: Col 12, lines 8-12).

As per claims 36 and 37, the applicant describes the handheld security system according to claim 1, which is anticipated by Odagiri in view of Henrie (see above), with the following limitation which is met by Henrie:

15 Wherein the device is configured to periodically send the identifying signal utilizing a period of at least one hour for accommodating an owner who rarely leaves a particular area (Henrie: Col 11, lines 31-35);

According to Henrie, "the user can configure the portable computer system such that it is necessary for the device to make contact with the Web site on a periodic basis, at an interval specified
20 according to user preferences" (Col 11, lines 31-35).

As per claim 38, the applicant describes the handheld security system according to claim 1, which is anticipated by Odagiri in view of Henrie (see above), with the following limitation which is met by Henrie:

25 Wherein the device is configured to periodically send the identifying signal as long as the device has access to power (Henrie: Col 6, line 67 to Col 7, line 1; Col 11, lines 28-35).

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Henrie discloses the idea of a battery powered portable device (Col 6, lines 67 to Col 7, line 1) which periodically submits an identifying signal, no matter whether the device is in operational mode or shut down mode (Col 11, lines 28-35). It is inherent that the device will continue periodically sending an identifying signal until the battery runs out.

5

Response to Arguments

Applicant's arguments, see Remarks, filed 1/28/05, with respect to the rejection(s) of claim(s) 2 and 4 under Odagiri have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Henrie,

10 U.S. Patent No. 6,804,699.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application
5 Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**